

REMARKS

In response to the above-identified Office Action, Applicant amends the application and seeks reconsideration thereof. In this response, Applicant adds new Claim 18. Applicant does not cancel or amend any claims. Accordingly, Claims 10-18 are pending.

Claims Rejected Under 35 U.S.C. § 103(a)

The Patent Office rejects Claims 10-17 under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 5,885,974 to Danielov et al. ("Danielov").

In order to render a claim obvious, the relied upon reference must teach or suggest every limitation of the claim such that the invention as a whole would have been obvious at the time the invention was made to one skilled in the art. Among other limitations, independent Claims 10 and 14 both recite a kit for treating symptoms associated with multiple sclerosis, wherein the kit includes human growth hormone ("HGH") and at least one supplemental hormone, wherein the hormones are present in an effective amount and in an administerable form for establishing a regimen for replenishment of the hormones within a body to physiological levels. Applicant respectfully submits that Danielov does not teach or suggest all of these limitations.

In maintaining the rejection, the Patent Office relies on Danielov to show parenteral administration of compositions to patients suffering from trauma or shock (Col. 5, lines 15-17) such that administration of the composition results in the resumption of normal cell metabolism. The Patent Office also notes specific

concentrations of HGH that may be included in these compositions (Danielov, Claim 4).

In response, Applicant first notes that Danielov does not teach or suggest a composition that is a cure-all for skin conditions as well as patients suffering from trauma or shock. Rather, Danielov is directed towards multi-component biologically active complexes that are specifically crafted to treat either skin conditions or trauma or shock by restoring the biological information transfer system/metabolism of the cells associated with the particular pathology being treated (Col. 5, lines 1-4; Col. 4, lines 53-58). Applicant submits that a bioactive complex to restore the biological information transfer system/metabolism of cells based on the pathology being treated is not the same as a kit comprising HGH and at least one of sex hormone, melatonin hormone, adrenal hormone, thyroid hormone, and thymus hormone, wherein the hormones are present in an effective amount to establish a regimen to replenish the physiological levels of the hormones, as recited in independent Claims 10 and 14. Applicant invites the Patent Office to demonstrate where Danielov teaches such a regimen to replenish hormone levels rather than merely restoring the biological information transfer system or metabolism of cells.

Accordingly, Applicant respectfully requests withdrawal of the rejection of independent Claims 10 and 14. Claims 11-13 depend from Claim 10, and Claims 15-17 depend from Claim 14. Therefore, the rejected dependent claims are not obvious at least for the same reasons as their respective independent claims.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

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CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited as First Class Mail with the United States Postal Service in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 20, 2003.

Nadya Gordon
Nadya Gordon Date